

ATTORNEY DOCKET NO.
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PATENT
Serial No. 10/784,498

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DMITRY GREBENEV
Serial No.: 10/784,498
Filing Date: February 23, 2004
Confirmation No.: 2208
Group Art Unit: 2113
Examiner: Elmira Mehrmanesh
Title: **KERNEL-LEVEL METHOD OF
FLAGGING PROBLEMS IN
APPLICATIONS**

Mail Stop AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

APPLICANTS' INTERVIEW SUMMARY

In response to the Examiner's summary of interview of August 10, 2009 ("Examiner's Summary of Interview"), Applicants respectfully submit this Applicants' Interview Summary pursuant to MPEP § 713.04.

REMARKS

Applicants, through its attorney, Ryan S. Loveless (Reg. No. 51,970), interviewed Supervisory Examiner Robert W. Beausoliel on August 4, 2009 ("Examiner Interview"). Applicants appreciate Supervisory Examiner Beausoliel's time.

During the Examiner Interview, Applicants pointed out that the primary examiner had not responded to Applicants' argument: (1) in the final Office Action

and (2) in the advisory action. Rather, Applicants explained how the final rejection appeared to be a copy and paste of previous rejections. And, the advisory action simply indicated that the claims were rejected.

More particularly, Applicants indicated in the Examiner Interview that the June 26, 2009 response articulated with examples how the primary examiner failed to respond to arguments. As one example, in the Examiner Interview Applicants pointed to page 15 of their June 26, 2009 response, which shows that the primary examiner copied and pasted the previous response and then later indicated that the arguments were moot in light of an alleged “new claim analysis.” However, Applicants pointed to a lack of such a “new claim analysis.”

Applicants further noted how the primary examiner didn’t respond to Applicants arguments that the primary examiner was “picking” from three un-related portions of the *Chen* reference. Rather, the response to arguments’ section is silent, pointing to a non-existent “new claim analysis.”

Applicants further expressed their concern that the application should only proceed to appeal if a final issue had been developed. In particular, Applicants indicated that it wanted to understand the PTO’s position with regards to these arguments. Applicants further noted that it did not want the Examiner’s Answer be the first time Applicants received a response back from the Examiner.

In response to the above, Supervisory Examiner Beausoliel indicated that the primary examiner may have provided little information in the final office action because the primary felt that the claims were not changed enough to merit further information. Supervisory Examiner Beausoliel also indicated that a responsive arguments may have been contained in an office action prior to the June 26, 2009 response. As to the advisory action, Supervisory Examiner Beausoliel indicated that the PTO didn’t owe Applicants anything other than that which was provided.

As to the indication in the Examiner Interview that “issues were clear” with the Pre-Appeal Panel Decision, Applicants note as they did in the interview that the

claims have been amended since then. Applicants requested a response to the arguments concerning these new claims.

As to the indication in the Examiner's Interview that pages 3 and 13 cite new portion of *Chen*, Applicants refer to Pages 15 and 18 of their June 26, 2009 response showing how the exact same portions were referred to.

As to the indication in the Examiner Interview that *Chen's* system is a single "overall monitor," Applicants reiterate their request from the Examiner Interview that the PTO provide this in a written response, specifically addressing Applicants previously asserted arguments.

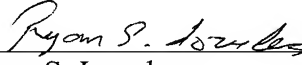
CONCLUSION

Applicants believe no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney at the number provided below.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Ryan S. Loveless
Reg. No. 51,970
214.953.6913

Date: August 10, 2009

CORRESPONDENCE ADDRESS:
at Customer No. **05073**